

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

JOSEPH WISEMAN  
#01935797

Plaintiff,

v.

TOMMY THOMAS,

Defendant.

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CIVIL ACTION H-05-2571

**MEMORANDUM ON DISMISSAL**

The plaintiff, a former jail inmate, filed this civil rights action *in forma pauperis* on July 25, 2005, during his confinement in the Harris County Jail. However, the plaintiff was apparently released or transferred from the Harris County Jail and has failed to keep the court advised of his current address as required by Local Rule 83.4. The plaintiff's failure to pursue this action forces this court to conclude that he is lacking in due diligence.

Therefore, under the inherent powers necessarily vested in a court to manage its own affairs, this court determines that dismissal for want of prosecution is appropriate. *See* Fed.R.Civ.P. 41(b); *Link v. Wabash R.R.*, 370 U.S. 626 (1962); *Pond v. Braniff Airways, Inc.*, 453 F.2d 347 (5th Cir. 1972); 5 J. Moore, *Federal Practice* Par. 41.11 (2d ed. 1968). The plaintiff is advised, however, that upon a proper showing, relief

from this order may be granted in accordance with Fed.R.Civ.P. 60(b). *See Link*, 370 U.S. at 635.

Accordingly, it is hereby ORDERED that this action be DISMISSED without prejudice for want of prosecution.

The Clerk shall provide copies to the parties; and Mac McKinney, Inmate Trust Fund, Harris County Sheriff's Office, 1301 Franklin Street, Houston, Texas 77002.

SIGNED at Houston, Texas, on this 7<sup>th</sup> day of September, 2005.



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DAVID HITTNER

United States District Judge